## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA )						
	Plaintiff,	) 8:05CR156 )				
	vs.	) DETENTION ORDER				
CE	SAR LIZARRAGA-CASTRO,					
	Defendant.	}				
A.	Order For Detention After waiving a detention hearing pursuant to on April 27, 2005, the Court orders the above U.S.C. § 3142(e) and (i).					
B.	will reasonably assure the appearance	because it finds: nat no condition or combination of conditions ce of the defendant as required. t no condition or combination of conditions				
C.	methamphetamine (Cour possession with intent methamphetamine (Coun carry a minimum sentence of life imprisonment.  (b) The offense is a crime of (c) The offense involves a nation (d) The offense involves a lare (d) The offense involves a lare (e) The weight of the evidence again X (a) The history and characteristics of (a) General Factors:  The defendant apperaffect whether the defect whether the defect whether the defendant has X The defendant is X The defendant defendant defendant has X The defendan	e offense charged: y to distribute in excess of 500 grams of at I) in violation of 21 U.S.C. § 846 and the to distribute in excess of 500 grams of t II) in violation of 21 U.S.C. § 841(a)(1) both e of ten years imprisonment and a maximum violence - see 18 U.S.C. § 3156(a)(4)(B). arcotic drug. The grammatic grammati				

## DETENTION ORDER - Page 2

				The defendant has a prior record of failure to appear at court
			/L- \	proceedings.
			(b)	At the time of the current arrest, the defendant was on:
				Probation
				Parole
				Release pending trial, sentence, appeal or completion of
			<i>(</i> - <i>)</i>	sentence.
			(C)	Other Factors:
				The defendant is an illegal alien and is subject to deportation
				The defendant is a legal alien and will be subject to deportation
				if convicted.
				The Bureau of Immigration and Custom Enforcement (BICE)
				has placed a detainer with the U.S. Marshal.
V	(4)			Other:
<u>X</u>	(4)			ature and seriousness of the danger posed by the defendant's release
		are	as	follows: The nature of the charges in the Indictment.
	<b>/-</b> \	_		
<u>X</u>	(5)			table Presumptions
				rmining that the defendant should be detained, the Court also relied on
				lowing rebuttable presumption(s) contained in 18 U.S.C. § 3142(e)
				the Court finds the defendant has not rebutted:
	<u>X</u>	_	(a)	That no condition or combination of conditions will reasonably assure
				the appearance of the defendant as required and the safety of any
				other person and the community because the Court finds that the crime
				involves:
				(1) A crime of violence; or
				X (2) An offense for which the maximum penalty is life
				imprisonment or death; or
				X (3) A controlled substance violation which has a maximum
				penalty of 10 years or more; or
				(4) A felony after the defendant had been convicted of two or
				more prior offenses described in (1) through (3) above, and
				the defendant has a prior conviction for one of the crimes
				mentioned in (1) through (3) above which is less than five
				years old and which was committed while the defendant was
				on pretrial release.
	<u>X</u>		(b)	That no condition or combination of conditions will reasonably assure
				the appearance of the defendant as required and the safety of the
				community because the Court finds that there is probable cause to
				believe:
				X (1) That the defendant has committed a controlled
				substance violation which has a maximum penalty of 10
				years or more.
				(2) That the defendant has committed an offense under 18
				U.S.C. § 924(c) (uses or carries a firearm during and in
				relation to any crime of violence, including a crime of
				violence, which provides for an enhanced punishment if
				committed by the use of a deadly or dangerous weapon or
				device).

## DETENTION ORDER - Page 3

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: April 28, 2005. BY THE COURT:

> s/Thomas D. Thalken United States Magistrate Judge